

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

July 22, 2004

GSBCA 16409-TRAV

In the Matter of TROY W. PRUETT

Troy W. Pruett, Arlington, TX, Claimant.

Stephen L. McCrory, Chief, Financial Resource Management Branch, Division of Resource Management and Administration, Nuclear Regulatory Commission, Arlington, TX, appearing for Nuclear Regulatory Commission.

BORWICK, Board Judge.

Claimant, Mr. Troy W. Pruett, is an employee of the Nuclear Regulatory Commission (agency). He asks that we review the reduction in reimbursement of travel expenses he incurred when using his privately owned vehicle (POV), instead of a taxi cab or shuttle, to drive to and from the Dallas Fort Worth (DFW) airport, and to park at the airport. We grant the claim in part. Under the Federal Travel Regulation (FTR), claimant is entitled to an additional \$19.01 for POV transportation and parking at the DFW airport.

Background

The cost and method of travel in the DFW area between employees' residences and the DFW airport had been of concern for some time to both agency management and its employees. On or about October 8, 2003, the agency published a memorandum describing how the agency would reimburse employees for travel between their residences and the DFW airport and, more specifically, how to determine the constructive cost of a taxicab for travel from the employees' residences to the DFW airport, when the employees used their POV instead.

The agency stated in its memorandum that use of a common carrier for such transportation was considered to be most advantageous to the Government and the use of a POV for transportation between an employee's residence and the DFW airport was considered to be voluntary and for the employee's personal convenience. The memorandum stated that, for cost comparison purposes, travelers were "best served by obtaining specific quotes from taxi companies for round-trip fares" between the employee's residence and the DFW airport or by using "actual taxi fares incurred by the traveler from recent trips while in a government travel status." The memorandum also provided that the cost comparison

information "must be in the form of a quote from a local taxi company licensed to operate out of DFW or actual taxi fare incurred on a recent trip with reference to the specific trip."

On April 12, 2004, claimant traveled from the DFW airport to Phoenix, Arizona, on official business. Instead of a taxicab or shuttle between his residence and the DFW airport, claimant elected to use his POV. While in Arizona, claimant left his POV in DFW airport parking. When he returned on April 16, claimant drove his POV from the DFW airport to his office.

Claimant submitted a voucher for reimbursement of his driving and parking expenses, and listed the following information:

Travel from home to DFW Airport	\$ 6.38
Airport Parking	\$80.00
Travel from DFW Airport to office	\$ 5.63

Claimant calculated his travel mileage at 37.5 cents per mile. His POV expenditures totaled \$92.01.

In the voucher, claimant also listed his normal round trip taxi fare as between \$75 and \$85. Claimant based his calculation on four previous one-way taxicab trips to or from the airport:

Date	Distance from Airport	Fare
August 2003	None Provided	\$42.30
December 2002	Claimant's Residence	\$42.00
November 2002	Claimant's Residence	\$45.00
December 2002	Claimant's Office	\$35.00

The agency's Financial Resource Management Branch (FRMB) reviewed claimant's travel voucher. On the voucher, the FRMB wrote that claimant's reimbursement was "limited to taxi fare (normal) - POV mileage." Following this formula, the FRMB then selected \$75 as the normal taxi fare, and subtracted \$12.01 (the sum total of the POV mileage to and from the DFW airport). Accordingly, claimant was reimbursed \$62.99.

Claimant sought reimbursement of an additional \$10. Though claimant listed a normal taxi fare as \$75 to \$85, he maintains that the FRMB should have based his reimbursement upon a normal taxi fare of \$85.00, not on \$75.00. In its submission to the Board, the agency agreed to reimburse claimant an additional seven dollars, based on the average round-trip taxi cab fare of \$82 "derived from the additional information provided by Mr. Pruett in his [claim]."

Discussion

Under the FTR, agencies are required to limit authorization and payment of transportation expenses to those expenses that result in the greatest advantage to the Government. 41 CFR 301-70.100(a) (2003). Travel by common carrier is considered to be the most advantageous method to perform official travel.

When authorized by the agency, employees may be reimbursed "the usual fare" for use of taxicabs or shuttle service between the employees' residences and the airport. 41 CFR 301-10.420(b)(i). Here, the agency issued a memorandum on October 8, 2003, to establish use of common carrier transportation as the preferred method of transporting employees on official business between their residences and the DFW airport.

As prescribed by the FTR, employees who use their POVs instead of a taxicab or shuttle service are to be reimbursed the mileage cost of the POV and any additional expenses such as parking fees, not to exceed the constructive cost of the taxicab or shuttle service. 41 CFR 301-10.402; Jonathan Kaplan, GSBCA 15854-TRAV, 03-1 BCA ¶ 32,088.

Claimant would have the FRMB calculate the normal taxi fare according to the highest amount in his normal taxi fare range (\$85). Because the FRMB used the lowest amount in his normal taxi fare range (\$75), this would allow claimant reimbursement of an additional \$10.

In this case, the agency's obligation under the FTR was to establish the amount of the constructive cost for a taxicab ride as a ceiling against which to reimburse claimant for use of his POV as transportation to and from the DFW airport. Claimant is entitled to allowable expenses--including mileage and parking--for use of his POV up to that ceiling. Kaplan.

The agency now says that it has determined \$82 to be the constructive cost of a taxicab ride for claimant's trip. That determination was reasonable because it was based on actual data that claimant had supplied for other taxicab rides. Claimant is thus entitled to the allowable costs of his POV up to \$82.

The agency does not contest the reasonableness of claimant's actual costs of \$92.01 for parking and mileage for his POV. Claimant is therefore entitled to reimbursement of \$82, the reimbursement ceiling established by the constructive cost of a round-trip taxicab ride.

The agency, however, only reimbursed claimant \$62.99, having subtracted his POV mileage from the constructive cost of the taxicab fare. This calculation was not in accord with the FTR. The agency owes claimant \$19.01, which is the difference between \$82 and \$62.99.

Finally, claimant uses the claim to recite a litany of grievances against management about general matters, including alleged safety concerns arising from travel restrictions and questions as to whether claimant has been properly reimbursed for past trips. These issues are unconnected to a "claim for reimbursement of expenses" required by Board Rule 401(b). We do not consider them.

Decision

The Board grants the claim in part. Under the FTR, claimant is entitled to an additional payment of \$19.01 for his POV expenses incurred during his trip of April 12, 2004.

ANTHONY S. BORWICK
Board Judge